NATIONAL CANNERS ASSOCIATION

INFORMATION LETTER

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No. 413 Washington, D. C. July 18, 1931

DAMAGE TO WISCONSIN CANNING PEAS

According to word received by the United States Department of Agriculture, on July 17, from the agricultural statistician representing the Department in Wisconsin, production of canning peas in that state is running lower than was indicated in the Government July 1 forecast issued on July 10. Yields on both Alaskas and Sweets were cut drastically by the unfavorable weather conditions, the Sweets in many fields suffering a total disaster by reason of the heat wave and aphis damage during the last week in June and the forepart of July. Since the acreage in Wisconsin is divided about equally between Alaskas and Sweets a decided reduction in the total state pack is generally anticipated. A survey of the situation is now being made by the United States Department of Agriculture and a definite forecast of yields and production for all states as of July 15 will be issued about July 23.

REVISION OF SUBSTANDARD LABEL REQUIREMENTS

Attention is again called to the item on page 2519 of our Information Letter of June 13th. The Department of Agriculture holds that the substandard legend should be given not only in connection with the name of the product wherever it appears on the label but also in connection with any vignette or design which might otherwise be misleading. The regulations that have been promulgated do not require this, but it is expected that they will be amended in this respect in the very near future.

MEETING OF CONFERENCE COMMITTEE WITH DISTRIBUTORS

In last week's Information Letter there was a report of the Milwaukee meeting of the Conference Committee with distributors July 7, as far as it related to the discussion of the form of food guaranty between canner and distributor. While the conference did not reach an agreement as to a satisfactory form, the canner members of the committee agreed upon a form which was published last week.

The committee decided to postpone consideration of the subject of the label allowance until the meeting of the committee next January.

The resolution of the Board of Directors of the National Canners Association adopted May 28, 1931, was explained by Mr. Royal F. Clark. This resolution pertained to the alleged cancellation of contracts by several jobbers this year. In past years when there has been a short pack the question of proper pro-rata delivery had come up and committees were formed to investigate canners' deliveries upon request. It was therefore felt that some similar arrangement should be made to investigate cancellation of contracts by jobbers under present conditions. No action was taken on this subject by the committee.

The following resolution introduced by Mr. Clark was unanimously adopted:

Resolved, That we emphatically condemn the deceptive practice between seller and buyer of substituting and accepting of grade quality below the grade or quality specified by the terms of the sale as tending to demoralize markets and as prejudicial to the industry and public in interest.

The following telegram from the office of the National Canners Association was read showing what the Association is doing to protect its members and their customers in connection with consumer claims:

Latest available figures are as follows: Cases lost in court 0.3%; total judgments paid in suits lost about $1,800. Claims settled on Association recommendation 1½%; settled at canners' request 6½%; settled at request of distributors or their insurance companies 1½%.

In response to an inquiry whether the jobbers had had much trouble with consumer complaints involving members of the National Canners Association, it was emphatically stated that these complaints have been handled most satisfactorily to all concerned.

DEFENSE OF ALLEGED FOOD LAW VIOLATIONS

The question has recently arisen as to how far the Association will go in defending a member, where legal action has been taken by federal, state or city officials for violation of food laws or regulations.

The Association will investigate such cases and make examination of samples of the product in question. If it appears that some error has been committed or that the action of the authorities is unwarranted from the evidence available, proper representation will be made to the officials concerned. Advice will also be furnished in such cases to assist the canner in the defense.

The Association will not, however, pay fees of counsel em-

ployed in the defense of such cases, except where a question of such general importance to the industry is involved that our general counsel advises that the Association should defend the action. In no event is the Association to be held responsible for the outcome of the action and the Association will only pay fees and necessary expenses of lawyers engaged by it.

The Association, since its organization, has advocated and endorsed pure food legislation, and it cannot consistently assist in the defense of any seizure or prosecution under the food laws when its investigation indicates that the officials are justified in their action.

COURT DECISION REGARDING CONSUMER CLAIM

The Supreme Court of Illinois has recently rendered a decision of interest to canners in the case of Bowman v. Woodway Stores, Inc.

The plaintiff Bowman bought one dozen cans of "Pet" brand evaporated milk from Woodway Stores, Inc. Four days later one of the cans was opened and part of the contents poured out and mixed with water from a cistern on the premises. Plaintiff, his wife and child consumed this diluted milk, and shortly thereafter all three became ill. The child died the next day. The family physician, examining the unused portion of the can four hours after it was opened, expressed the opinion that the death of the child was produced by contamination in the milk consumed. Evidence was introduced at the trial that the sanitary conditions around plaintiff's farm were very poor. Plaintiff recovered $6,772 in the county circuit court and this was affirmed by the Appellate Court.

The Supreme Court reversed on the ground that mere evidence of subsequent contamination did not show that the milk was poisonous at the time it was taken from the can. In his opinion, DeYoung, J., said:

"* * * there can be no dispute that to establish liability on the part of plaintiff in error (Woodway Stores, Inc.) the evidence must show that the milk, *at the time the can was opened*, was unfit for human consumption and caused the child's illness and death. * * * The burden was upon defendant in error to establish by competent evidence the poisonous or unwholesome condition of the milk when the can was opened. Evidence of later contamination would not be responsive to the allegations of the declaration and would create no liability against the plaintiff in error."

The importance of this decision rests in the fact that the court refuses to indulge in any presumption that because canned goods were found to be defective at a later period that they were so at the time the can was opened. It is thus established,

in Illinois, at least, that complainants must introduce direct evidence that the contamination was present at the time of the opening of the can.

CROP PROSPECTS ON JULY 1

The U. S. Department of Agriculture has issued, under date of July 10, reports furnishing the following information as of July 1 on various vegetables and fruits:

Corn.—The estimated acreage of corn for harvest in 1931 was 105,557,000 acres, which is an increase of 4.1 per cent over the revised estimate of 101,413,000 acres grown in 1930, and is a larger area than in any year since 1917. The condition on July 1 was 83.7 per cent of normal, as compared with 79.9 per cent on July 1, 1930, and an average of 80.8 per cent for the ten-year period, 1920-1929. The initial estimate of production, based upon the condition on July 1, was 2,967,953,000 bushels as compared with the very low production of 2,093,552,000 bushels in 1930, and an average of 2,761,000,000 bushels for the previous five years.

Sweet potatoes.—Except in the Atlantic Coast areas producing dry-fleshed sweet potatoes, growers have generally carried out their plans for a large increase in acreage for this year. The reported increase is 20.6 per cent for the country as a whole, the plantings being estimated at 871,000 acres compared with the revised estimate of 722,000 acres in 1930. The condition of the crop on July 1, at 68.1 per cent is slightly lower than was reported a year ago and noticeably below average. Production, on the basis of the reported conditions on July 1, is forecast at about 74,070,000 bushels compared with the revised estimate of 62,230,000 bushels produced in 1930, or an increase of 19 per cent.

Beans.—A bean crop of 22,695,000 bushels is indicated by July conditions compared with 21,907,000 bushels last year. The bean acreage this year is estimated at 3.3 per cent less than last year. The United States condition of 80.7 per cent is 3.4 per cent below the 10-year average and 2 per cent below the July 1 figure of last year. The early uncertain indications of yields available from July conditions in New York and Michigan point to a production of 9,900,000 bushels of beans compared with 6,718,000 bushels in 1930. The acreage of Great Northern beans is about the same as in 1930, but with severe drought conditions in a considerable part of the producing area a crop about 10 per cent smaller than last year is now indicated. Colorado and New Mexico, producing mainly Pinto beans, with a 16 per cent cut in acreage and a condition below average, show early indications of

a crop of 3,200,000 bushels compared with 4,650,000 bushels in 1930. In California a cut of 8 per cent in acreage and the present rather low condition of the crop indicates a production of only 5,478,000 bushels of all California beans, compared with 7,049,000 bushels in 1930.

Apples.—If the July 1 forecast of apple production materializes, the crop will be the largest produced in the United States since the exceptionally large 1926 crop. The forecast is for 211,076,000 bushels, which would be 129 per cent of the production in 1930 and about 121 per cent of the average for the previous five years.

Peaches.—The condition of peaches on July 1 was reported at 76.3 per cent as compared to 46.5 on the same date a year ago, and 61.3 the average July 1 condition for the preceding ten years. If the July 1 condition holds good and the present forecast of 77,963,000 bushels finally materializes, it would be about 141 per cent of the 1925-29 average production and the largest peach crop to be produced since records began in 1899.

Pears.—The condition of pears on July 1 is reported at 60.2 per cent as compared to 61.1 per cent on July 1 last year and 60.9 per cent, the average on the same date for the previous ten years. Production is forecast at 24,406,000 bushels which would be less than 90 per cent of the 1930 production and 110 per cent of the average production for the previous five years.

Grapes.—The condition of grapes on July 1 is reported at 76.2 per cent as compared with 86.6 per cent on July 1 a year ago and 83.1 per cent, the average July condition for the previous 10 years. Production is now forecast at 2,026,772 tons or about 82 per cent of the 1930 production and 84 per cent of the average for the previous five years. California, which usually produces nearly 90 per cent of the total United States crop, is expecting a crop only about four-fifths as large as the 1930 and the average production for the previous five years.

Cherries.—The condition of cherries in the ten states for which total production is annually estimated is 58.6 per cent as compared to 63.5 per cent on July 1 last year and 53.7 per cent as of the same date in 1929. The production is forecast at 94,030 tons which would be about 88 per cent of the 1930 production and 116 per cent of the average for the previous five years. Condition for the country as a whole presents a rather mixed situation. Condition in New York declined slightly during June. Sweet cherries are reported well above the condition for the past two years but the sour cherries, which constitute the greater portion of the crop in New York, are reported considerably lower

than in July, 1930. Michigan and Wisconsin both report condition well above the past two years, while Illinois and Ohio report unusually favorable conditions. The production in Michigan promises to exceed the large 1930 crop. In the Pacific Northwest (Washington, Oregon and Idaho) the drouth which prevailed up to the middle of June was broken by good rains but the effect on the cherry crop seems to have been little short of disastrous. A considerable amount of split fruit resulted, some of which went into barrels, but the loss was heavy. California harvested an unusually large crop of exceptionally good quality.

Citrus.—There was a general decline in the reported condition of all citrus fruits during June. In Florida dry weather seems to have been the cause of the decline. The decline in the condition in California was not significant; the outlook is still for a good production of citrus. Arizona citrus fruits have dropped some during the last half of June; however, the size and quality of the remaining fruit offsets the drop. The Louisiana orange crop in Plaquemines Parish is still in good condition and prospects are for a big crop this year. The following table gives comparative figures on the condition and production for grapefruit:

	Condition, July 1			Production	
			10-year average		5-year average
Grapefruit	1930	1931	1920-29	1930	1925-29
	P. ct.	*P. ct.*	*P. ct.*	*1,000 boxes*	*1,000 boxes*
Florida, all	80	62	76	13,000	8,200
Commercial a			..	10,000	7,120
California	94	87	..	1,118	788
Texas	63	70	..	725	615
Arizona	90	88	..	310	159
*Total	..	..	..	15,153	9,862

a Not included in total.
* In California and Arizona the approximate average for grapefruit is 60 lbs. per box; in Florida and other states, 73 lbs. net contents.

Apricots.—Apricots have developed a large crop in California, most of which are already harvested. It seems that this crop is at least two weeks earlier than usual, and hot weather during the last few days of June speeded maturity so rapidly that growers found themselves faced with more fruit ready to dry than they could care for with available equipment. The Washington apricot crop is to be larger this year. From preliminary indications Wenatchee will harvest a considerably heavier crop this year than the 100 cars shipped last year. The crop in Yakima Valley is reliably estimated at 350 cars for this season, compared with 84 last season. Apricots promise a good crop in Wasco County, Oregon.

Plums and prunes.—Condition of plums declined from a month ago in New York and Michigan and remained the same in California. The condition of prunes improved in Oregon and California but declined elsewhere. In the southwestern counties of Michigan the set was quite heavy and, although followed by a considerable June drop, Berrien County reports 71 per cent of a crop, Van Buren 74 per cent, Allegan 58 per cent and Oceana 56 per cent. A smaller prune crop is expected in the Walla Walla region of Washington. In Yakima Valley production this year is expected to be about 20 per cent less than last year. It seems likely that Clarke County will not have more than 50 per cent of a crop of prunes this season. June rains have improved prune prospects greatly in all sections of Oregon, and increased size will do much to offset the generally poor set. The plum harvest in California is well along, and in many areas completed. Prunes have shown some improvement during the month of June.

TRUCK CROP MARKETS

Combined shipments of 39 fruits and vegetables increased during the week ended July 11 to 24,785 cars, but were 2,700 cars lighter than for the same period last season. Potatoes led with 6,285 cars, followed by watermelons with 5,565 cars. Cantaloupe shipments exceeded 1,900 cars and oranges totaled 1,455, with peaches, lettuce and tomatoes each about 1,000 cars.

CARLOT SHIPMENTS

Commodity	July 5-11 1931	June 28-July 4 1931	July 6-12 1930	Total this season thru July 11	Total last season thru July 12	Total last season
Apples, total	625	232	788	1,172	1,517	111,503
Eastern states	390	191	567	841	1,225	44,973
Western states	235	41	221	331	292	66,530
Beans, snap and lima	109	132	48	8,227	8,618	9,559
Blackberries, dewberries, loganberries	6	14	...	107	.....	.....
Cabbage	197	90	179	19,119	16,248	38,302
Carrots	70	125	75	8,687	9,391	12,425
Cauliflower	33	8	3	69	43	9,902
Cherries	55	126	182	1,743	2,278	2,581
Corn, green	184	247	...	2,074	.....	.....
Cucumbers	465	248	381	4,675	5,732	7,643
Mixed deciduous fruit	209	139	237	1,018	1,038	5,921
Mixed vegetables	283	227	495	18,753	19,467	31,173
Peaches	1,005	573	1,035	3,169	4,241	38,499
Pears	723	614	659	1,901	848	28,827
Peas, green	213	174	392	5,307	4,623	6,800
Peppers	86	79	73	2,403	1,960	2,786
Plums and prunes	259	313	540	2,728	3,223	8,716
Spinach	8	4	3	9,317	9,386	9,636
Strawberries:						
Domestic	8	32	5	13,543	10,634	10,669
Imports	11	10	3	21	15	15
Tomatoes	1,005	1,698	1,382	19,018	20,661	33,578

CONDITION OF TRUCK CROPS

The following tables showing the condition of truck crops for shipment as of July 1 are taken from a report issued by the Division of Crop and Livestock Estimates of the U. S. Bureau of Agricultural Economics on July 9. The figures given are for lima beans, snap beans, beets, carrots, cabbage, cauliflower, cucumbers, green peas, corn (sweet, and roasting ears), green peppers and tomatoes.

Lima Beans	July 1, 1931 P. ct.	July 1, 1930 P. ct.
Delaware	82	95
Georgia	55	..
Louisiana	82	..
Maryland	87	80
New Jersey	80	84
South Carolina	66	62
Virginia	75	94
Average	73.7	79.1
Snap Beans		
Arkansas	81	72
California	89	82
Colorado	84	..
Delaware	85	80
Illinois	60	69
Louisiana	90	..
Maryland	90	85
New Jersey	86	86
New York	83	95
North Carolina	90	..
Tennessee	72	70
Virginia	85	..
Average	86.9	83.4
Beets		
New Jersey	87	90
Carrots		
California	94	96
Colorado	86	75
Indiana	98	..
Michigan	80	82
New Jersey	90	87
New York	81	83
Ohio	80	85
Average	90.4	85.4
Cabbage		
Arkansas	70	80
California	86	93
Colorado	85	82
Delaware	83	70
Illinois	80	90
Indiana	90	87
Iowa	75	86
Kentucky	75	..
Maryland	85	75
Michigan	85	91
Minnesota	78	93
Missouri	51	85
New Jersey	86	92
New York	..	79
Long Island	..	85
Other	83	78
Ohio:	..	83
Southeast	98	50
Other	90	91
Pennsylvania	85	83
Utah	72	87
Virginia, S. W.	70	60
Wisconsin	75	91
Average	70.0	84.6
Cauliflower		
Colorado	87	71
New Jersey	75	75
New York	87	91
Utah	78	90
Average	85.2	83.6
Cucumbers		
Arkansas	68	68
California	91	85
Delaware	85	84
Illinois	75	75
Maryland	90	80
New Jersey	82	81
New York	90	88
North Carolina	75	84
Ohio	81	..
Average	80.7	82.7
Green Peas		
Colorado	86	79
Idaho	83	..
New York	76	85
Utah	70	90
Average	81.0	82.4
Corn		
Alabama	82	62
Louisiana	79	65
New Jersey	85	85
New York, L. I.	95	92
North Carolina	80	90
Ohio, southeast	90	60
Texas	84	89
Average	85.0	77.6
Green Peppers		
California	90	93
Louisiana	73	55
New Jersey	85	84
Texas	80	88
Average	83.0	79.3

Tomatoes	July 1, 1931 P. ct.	July 1, 1930 P. ct.	Tomatoes (cont'd)	July 1, 1931 P. ct.	July 1, 1930 P. ct.
Arkansas	80	80	Mississippi	..	..
California	87	85	Missouri	64	86
Colorado	86	86	New Jersey	90	89
Delaware	85	75	New York	88	77
Georgia	85	..	North Carolina	77	..
Illinois	..	86	Ohio	..	86
Union Co.	82	80	Southeast	86	80
Other	78	88	Other	84	95
Indiana	88	86	Pennsylvania	87	80
Iowa	88	83	South Carolina	..	..
Kentucky	80	81	Tennessee	66	67
Louisiana	70	..	Texas	75	..
Maryland	85	81	Utah	81	87
Michigan	92	85	Virginia	82	..
			Average	79.8	82.6

1931 ASPARAGUS PACK IN CALIFORNIA

According to figures collected by the Canners League of California, the total pack of asparagus in California in 1931 was 1,747,499 cases. Following are the packs for the last six years for purposes of comparison:

Year	Cases	Year	Cases
1926	2,236,111	1929	2,072,637
1927	2,189,570	1930	2,663,191
1928	2,337,950	1931	1,747,499

BUSINESS INDICATORS

(Weeks ended Saturday, weekly average 1923-1925=100)

	1931			1930		
	July 11	July 4	June 27	July 12	July 5	June 28
General business:*						
New York Times	....	74.2	a73.9	89.3	90.2	91.3
Business Week	....	75.5	a74.8	97.5	101.4	100.3
Freight car loadings	....	69.7	79.2	95.5	82.6	97.7
Wholesale prices (Fisher's):						
All commodities	70.4	70.6	70.3	84.5	85.6	85.7
Agricultural products	61.9	62.7	62.1	86.6	87.6	88.0
Non-agricultural products	73.2	72.9	72.8	83.0	84.2	84.2
Bank debits outside New York City	93.2	108.4	86.0	105.2	150.3	127.5
Bond prices	107.1	106.6	106.5	106.5	106.2	106.1
Stock prices	139.5	a144.2	143.0	190.6	197.3	192.2
Interest rates:						
Call money	36.4	36.4	36.4	62.5	57.6	54.5
Time money	38.2	38.9	34.3	70.4	68.6	74.3
Business failures	95.6	101.5	103.7	105.2	106.9	120.4

* Relative to a computed normal taken as 100.
a Revised.

Car Loadings

	Total	Miscellaneous	Merchandise L. C. L.	Other
Week ended July 4	667,879	256,312	188,486	223,081
Preceding week	759,290	297,403	216,229	245,658
Corresponding week, 1930	792,053	365,046	204,837	202,639
Corresponding week, 1929	911,143	371,046	224,368	315,729

EMPLOYMENT IN JUNE

The U. S. Bureau of Labor Statistics reports a decrease of 2.0 per cent in employment and a decrease of 4.5 per cent in payroll totals in June, 1931, as compared with May, 1931. These changes are based on returns from 45,911 establishments in 15 major industrial groups having in June 4,644,057 employees whose combined earnings in one week were $110,091,821. Increased employment in June was shown in 3 of the 15 groups: Canning and preserving, 26.1 per cent; laundries, 0.8 per cent; and dyeing and cleaning, 2.4 per cent. Decreased employment was shown in the 12 remaining groups.

FRUIT IN COLD STORAGE

The following table shows the holdings of fruit in cold storage reported to the Bureau of Agricultural Economics as of July 1:

	July 1, 1931	July 1, 1930	5-year average
Pears:			
Boxes	12,000	8,000	16,000
Baskets	.....	.....	4,000
Frozen and preserved fruit (pounds)	90,030,000	44,795,000	51,868,000

WEATHER CONDITIONS

Rainfall was generous to heavy in most Atlantic states from Florida to New England during the week ended July 14, as well as in many Appalachian Mountain sections, according to the weekly report of the Weather Bureau. There were also a good many irregularly distributed showers in the central and west Gulf states, the upper Mississippi Valley, and northern Great Plains, but much of the western Lake region and wide areas in the Ohio and middle Mississippi Valley had little or no rainfall. West of the Rocky Mountains the week was practically rainless, except very locally.

Generous showers over considerable sections of the southeast, especially Florida, and more locally in Georgia and southern Alabama, improved the outlook in those sections, and substantially benefited all growing vegetation; the acute drought in the citrus belt of Florida has been broken. In other east and central Gulf sections rainfall was still of a local character and while beneficial in the favored localities, many places are still dry and general rains are needed.

There was material improvement in the droughty conditions in the southwest, with good rains over much of the northern two-thirds of Texas where most needed, and material relief in northern and eastern Oklahoma, but less substantial over south-central and southwestern parts of the latter state. The Atlantic

area rather generally received timely and beneficial rains, and growing conditions continue favorable in nearly all sections, with additional moisture especially helpful in the Carolinas, Virginia, and New York. There was local damage by washing, and lodging of grain in some middle Atlantic sections.

In the interior and northwestern states timely and beneficial rains occurred over limited areas, especially in the upper Mississippi Valley and some localities of the northern Great Plains, but otherwise rainfall was mostly light and widely distributed. In a good many places, particularly in some Ohio Valley states and in Tennessee, crops are showing the effect of dryness in numerous localities, and a good general rain is needed throughout the country between the Appalachian and Rocky Mountains. Some of the dryest sections include central and western Kentucky, the southern portions of Indiana and Illinois, extended areas in Tennessee, and some sections to the southward.

RECOMMENDATION IN TIN PLATE AND CAN END RATE CASE

In a report to the Interstate Commerce Commission in a case involving rates on mixed carloads of tin plate and can ends from Canonsburg, Pa., to Los Angeles, Examiner McKee has proposed that the Commission find the rate unreasonable to the extent that it exceeds 75 cents, minimum 80,000 pounds. The examiner further recommended a rate of $1.50, minimum 40,000 pounds, on mixed carloads of tin cans, can stock, and parts, from Chicago, Cragin and Galewood, Ill., to Los Angeles.

PROPOSED RATES ON CANNED GOODS SUSPENDED

The Interstate Commerce Commission, by its order entered July 11, in I. & S. Docket 3621 has suspended the operation of certain proposed schedules affecting the rate on canned goods from the Pacific Coast to eastern destinations. This proceeding has been assigned for hearing before Examiner Disque at the office of the Commission in Washington, at 10 a. m., July 24.

FRENCH IMPORT DUTIES ON CANNED AND PRESERVED FOODS

Increases in the French import duties on canned fish, certain dried and preserved fruit, and preserved asparagus are provided for in a law approved by the French Parliament on July 3, 1931, according to a radiogram from the acting commercial attache at Paris. Although the law has not yet been promulgated, the increased rates are to apply retroactively to shipments made after June 30, 1931.

The increases in the duties applying to imports from the United States follow (rates in francs per 100 kilos): Canned fish

(including sardines), from 85 to 300; dried peaches and apricots, from 60 to 75; dried apples and pears, from 30 to 60; fruit (except pineapple) preserved with sugar, from 135 to 235, and without sugar, from 50 to 90; and preserved asparagus, from 52.50 to 100.

POULTRY USED IN CANNING

The quantity of poultry canned or used for canning by 32 firms reporting to the U. S. Bureau of Agricultural Economics for June, 1931, was 914,450 pounds. Thirty firms reporting for May, 1931, used 848,301 pounds. Thirty firms that reported using 884,382 pounds in June this year used 1,770,683 pounds during June a year ago. The U. S. Market News Service reports the quantity as follows, the figures for drawn poultry having been converted to an undrawn basis, assuming a 25 per cent shrinkage in drawing. The table shows a same-firm comparison for May and June:

	June, 1931	May, 1931	June 1931	June 1930
	Pounds	*Pounds*	*Pounds*	*Pounds*
Dressed poultry canned or used in canning	809,178	626,983	779,110	1,384,762
Drawn poultry canned or used in canning	105,272	221,318	105,272	385,921
Total	914,450	848,301	884,382	1,770,683
Number of firms reporting	32	30	30	30

CONTENTS

	Page		Page
Damage to Wisconsin canning peas	2573	1931 asparagus pack in California	2581
Revision of substandard label requirements	2573	Business indicators	2581
Meeting of conference committee with distributors	2573	Employment in June	2582
Defense of alleged food law violations	2574	Fruit in cold storage	2582
Court decision regarding consumer claim	2575	Weather conditions	2582
Crop prospects on July 1	2576	Recommendation in tin plate and can end rate case	2583
Truck crop markets	2579	Proposed rates on canned goods suspended	2583
Condition of truck crops	2580	French import duties on canned and preserved foods	2583
		Poultry used in canning	2584